



California Department of Food and Agriculture
Legislative Office
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Legislation of Interest 2007

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE 2007 LEGISLATION OF INTEREST

2007-2008 LEGISLATIVE SESSION

This report summarizes legislation of interest to the Department of Food and Agriculture enacted or vetoed in 2007. The enacted bills summarized herein have an effective date of January 1, 2008, except those enacted as urgency measures which become effective immediately upon approval by the Governor.

INTERESTING FACTS FROM 2007

- ✓ The Governor has received bills in the 2007 legislative session. He has taken action on **964** bills, signing **750** and vetoing **214**.
- ✓ CDFA submitted recommendations on **40** bills in 2007.
- ✓ CDFA sponsored **1** bill. It was enacted successfully.

TABLE OF CONTENTS

	<u>Page No.</u>
Index of Bills Enacted and Vetoed by the Governor	4
Summaries of Bills Enacted and Vetoed by the Governor	
*Assembly Bills	7
*Senate Bills	11

INDEX OF BILLS

Animals					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 449	Trapping: Mammals Control Methods	No	AH	VETO	n/a
AB 472	Cattle Brands: Fees	No	AH	SIGN	1/1/08
AB 1347	Pet Store Animal Care Act	No	AH	SIGN	1/1/08
AB 1614	Rodeo Animals	No	AH	SIGN	1/1/08
SB 63	Food Labeling: Clones Animals	No	AH	VETO	n/a
SB 353	Companion Animals: Protective Order	No	AH	SIGN	1/1/08
SB 470	Agriculture: Dead Animals	No	AH	VETO	n/a

Fairs					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 241	Horse Racing: Satellite Wagering	No	FE	SIGN	1/1/08
AB 765	Horse Racing: Racetrack Enclosures	No	FE	SIGN	1/1/08
AB 1286	Horse Racing: County Fairs	No	FE	SIGN	1/1/08
AB 1308	Horse Racing	No	FE	SIGN	1/1/08
AB 1614	Rodeo Animals	No	FE	SIGN	1/1/08
AB 1736	Horse Racing: Imported Races	No	FE	SIGN	1/1/08
SB 246	Los Angeles County Agriculture	No	FE	SIGN	1/1/08
SB 281	District Agricultural Associations: Goods and Property	No	FE	SIGN	1/1/08
SB 282	State Fair Leasing Authority	No	FE	SIGN	1/1/08
SB 379	Horse Racing: Out-of-Country Races	No	FE	SIGN	1/1/08
SB 783	Amusement Rides Safety Law	No	FE	SIGN	1/1/08

General Agriculture					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 297	Property Tax Exemption: Newly Planted Trees	No	DP	SIGN	1/1/08
AB 1606	Economics Strategy Plan	No	AEP	VETO	n/a
AB 1713	Agriculture	No	OPCA	SIGN	1/1/08
SB 114	Disaster Relief	No	DP	SIGN	1/1/08
SB 116	Unemployment Compensation Benefits	No	DP	SIGN	10/5/07
SB 180	Labor Representatives: Election	No	ME	VETO	n/a

Horse Racing					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 241	Horse Racing: Satellite Wagering	No	FE	SIGN	1/1/08
AB 765	Horse Racing: Racetrack Enclosures	No	FE	SIGN	1/1/08

AB 1308	Horse Racing	No	FE	SIGN	1/1/08
AB 1736	Horse Racing: Imported Races	No	FE	SIGN	1/1/08
SB 379	Horse Racing: Out-of-Country Races	No	FE	SIGN	1/1/08

Inspections					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
No Bills To Report					

Land					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 188	Conservation Easement Registry	No	EP	SIGN	1/1/08
SB 1051	Conservation	No	EP	SIGN	1/1/08

Marketing					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
SB 770	Milk	No	AH	SIGN	1/1/08

Measurement Standards					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 868	Gasoline Dispensing: Weight and Measures	No	DMS	SIGN	1/1/08
SB 70	Bio diesel	No	DMS	VETO	n/a

Milk/Dairy					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 1735	Milk and Dairy Products: Standards	No	AH	SIGN	1/1/08
SB 770	Milk	No	AH	SIGN	1/1/08

Miscellaneous					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 87	Alcoholic Beverages: Country Wine	No	ME	SIGN	1/1/08
AB 89	Economic Development – CA & Mexico Border Infrastructure	No	AEP	VETO	n/a
AB 1135	State Government: Reports: Declaration	No	ME	VETO	n/a
SB 451	Energy: Renewable Electric Generation Facilities	No	EP	VETO	n/a
SB 650	Labor Representative Elections	No	ME	VETO	n/a

Plant/Pests					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 449	Trapping: Mammals: Control Methods	No	AH/PH	VETO	n/a

AB 684	Industrial Hemp	No	PH	VETO	n/a
AB 771	Agriculture Industry	No	PH	SIGN	1/1/08
AB 1717	Pesticides	No	OPCA	SIGN	1/1/08
SB 556	Light Brown Apple Moth	No	PH	SIGN	9/7/07

Water					
Bill	Subject	Report to Leg.	Division	Sign/Veto	Effective Date
SB 8	California Bay-Delta Authority Act	No	EP	VETO	n/a
SB 34	Sacramento-San Joaquin-Delta: Strategic Planning	No	EP	VETO	n/a
SB 178	Groundwater	No	EP	VETO	n/a
SB 555	Sacramento-San Joaquin Delta	No	EP	VETO	n/a

Legislation of Interest 2007

AB 87, (Blakesee, Alcoholic Beverages: Country Wine)

Governor's Action: SIGNED

Chapter #674

Bill Summary: AB 87 This bill will declare the intent of the legislature to protect the Paso Robles wine-growing area and prevent confusion among consumers. This bill will also provide that any wine labeled with a viticultural area appellation of origin established pursuant to federal law with the appellation includes the term Napa Valley or Paso Robles does not need to bear the additional designation of Napa Valley or Paso Robles.

AB 89, (Garcia, Economic Development – California and Mexico Border Infrastructure.)

Governor's Action: VETOED

Bill Summary: AB 89 requires the Secretary of Business, Transportation, and Housing Agency to conduct a study on the infrastructure development along the border between California and Mexico and any needs for alternative financing mechanisms suited to the challenges of the border region.

AB 188, (Aghazarian, Conservation Easement Registry)

Governor's Action: SIGNED

Bill Summary: AB 188 will amend an existing statute that requires the Resources Agency to establish a central public registry of all conservation easements held, required or purchased by the state on or after January 1, 2006. This bill will set back that date to January 1, 2000. This bill will also modify the information to be included in the registry and prohibit the inclusion of personal information posted on the internet version of the registry.

AB 241, (Price, Horse Racing: Satellite Wagering)

Governor's Action: SIGNED

Bill Summary: AB 241 will authorize fifteen additional mini-satellite wagering sites in each zone under certain conditions, and requires the California Horse Racing Board (CHRB) to adopt regulations to implement the new facilities by April 1, 2008. The bill defines mini-satellite wagering sites and establishes rules for those sites.

AB 297, (Maze, Property Tax Exemption: Newly Planted Trees)

Governor's Action: SIGNED

Chapter # 225

Bill Summary: AB 297 will provide relief to the agricultural community in the form of property tax exemption for fruit-bearing and nut-bearing trees damaged as a result of the January 2007 severe freezing conditions for several counties. A total of \$1,399,254,964 in freeze damage has been report to CDFA, of that, \$967,025,766 in damage to fruit and nut bearing trees has been reported. The following 18 counties have been effected and the Governor declared a state of emergency: El Dorado, Fresno, Imperial, Kern, Kings, Madera, Merced,

Monterrey, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tulare, Ventura, and Yuba.

AB 449, (Strickland, Trapping: Mammals: Controls Methods)

Governor's Action: VETOED

Bill Summary: AB 449 will require the euthanasia of a mammal trapped for profit pursuant to specified methods, authorizing the use of gunshot if other euthanasia methods are not available.

AB 472, (Assembly Agriculture Committee, Cattle Brands: Fees)

Governor's Action: SIGNED

Chapter # 267

Bill Summary: AB 472 will update the statutory fees for brand registration and renewal, and the inspection of cattle, hides or carcasses, and penalty fees.

AB 684, (Leno, Industrial Hemp.)

Governor's Action: VETOED

Bill Summary: AB 684 revises the definition of marijuana as it pertains to crime, so the term would not include industrial hemp, except where the plant is cultivated or processed for purposes not expressly allowed. This bill will define industrial hemp as an agricultural field crop that is limited to the nonpsychoactive types of the plant *Cannabis sativa* L. and the seed produced therefrom, having no more than a specified percentage of THC contained in the dried flowering tops. This bill will also provide for an industrial hemp cultivation pilot program.

AB 765, (Evans, Horse Racing: Racetrack Enclosures)

Governor's Action: SIGNED

Chapter # 613

Bill Summary: AB 765 will allow the deduction of an additional one percent of the handle to be paid to the state and deposited into a newly created Enclosure Facilities Improvement account to be used for fair racing facilities maintenance and improvements that participate in the program. More importantly, this bill extends the authorization of Advance Deposit Wagering (ADW) indefinitely and revises various provisions relating to ADW, including the allocation of ADW proceeds for numerous purposes and beneficiaries.

AB 771, (DeLeon, Agriculture Industry)

Governor's Action: SIGNED

Chapter # 324

Bill Summary: AB 771 relates to the designation of agricultural working groups to work toward agriculturally related conflict resolution. This bill creates the Seedless Mandarin and Honeybee Coexistence Working Group Act. The Act will require the development of best management practices that address the coexistence issues relating to the production of mandarin varieties. The Act will authorize the adoption of regulations if the working groups fail to reach consensus.

AB 868, (Davis, Gasoline Dispensing: Weights and Measures)

Governor's Action: SIGNED

Chapter # 398

Bill Summary: This bill relates to existing law that regulates gasoline temperature and measurement for purposes of dispensing fuel at retail facilities. This bill will require the State Energy Commission, in partnership with the Department of Food and Agriculture and the State Air Resources Board, to conduct a cost-benefit analysis and survey and to make recommendations to the Legislature regarding future legislation and regulations, regarding the reference temperature for fuel dispensation.

AB 1135, Strickland, State Government: Reports: Declarations)

Governor's Action: VETOED

Bill Summary: AB 1135 will relate to written reports by public agencies to the Legislature, the Governor, the Controller, and legislature. The bill will require a written report submitted by any state agency or department, to the Legislature, a member of the Legislature, or any state legislative or executive body, to include a signed statement by the head of the agency or department declaring the factual contents of the report. This bill will also make a person who declares any material matter to be true that he or she knows is false liable for a civil penalty.

AB 1286, (Richardson, Horse Racing: County Fairs)

Governor's Action: SIGNED

Chapter # 202

Bill Summary: AB 1286 This bill allows the Alameda County Fair, with the approval of the California Department of Food and Agriculture (CDFA) and the authorization of the California Horse Racing Board (CHRB), to operate two additional satellite wagering facilities within the boundaries of the fair district, and would allow the Los Angeles County Fair to conduct satellite wagering at one additional location, not more than 20 miles from its fairgrounds.

AB 1308, (Torrico, Horse Racing)

Governor's Action: SIGNED

Chapter # 1308

Bill Summary: AB 1304 allows a fair or a thoroughbred association, with the approval of the California Horse Racing Board (CHRB), to take out not less than 10 percent or more than 25 percent from the parimutual pool.

AB 1347, (Caballero, Pet Store Animal Care Act)

Governor's Action: SIGNED

Chapter # 703

Bill Summary: AB 1347 will enact the Pet Store Animal Care Act. This bill will establish procedures for the care and maintenance of animals in the custody of a pet store. This bill will also place limitations on the sale or transfer of those animals. This bill makes the violation of these provisions punishable as an infraction or as a misdemeanor.

AB 1606, (Arambula, Economics Strategy Plan)

Governor's Action: VETOED

Bill Summary: AB 1606 requires the Secretary of Labor and Workforce Development to collaborate with the Secretaries of Business, Transportation and Housing and of Food and Agriculture in the preparation of an Economic Development Strategic Plan. This bill will modify the composition of the Economic Strategy Panel. This bill will also include a review of significant industries and business clusters in the state's 9 regional economies within the matters of concern.

AB 1614, (Strickland, Rodeo Animals)

Governor's Action: SIGNED

Chapter # 714

Bill Summary: AB 1614 This bill relates to existing law that requires the management of any rodeo to ensure that there is a licensed veterinarian present or on-call and that defines rodeo as a performance featuring 4 or more of specified related events. This bill will revise the definition to include a performance of 3 or more of specified events.

AB 1713, (Assembly Agriculture Committee, Agriculture)

Governor's Action: SIGNED

Chapter #421

Bill Summary: AB 1713 redefines the distribution amounts of calculated gas taxes related to agricultural and horticultural activity that are unclaimed by the industry. These funds are transferred to the California Department of Food and Agriculture (CDFA), Food and Agriculture Fund on an annual basis from the Motor Vehicle Fuel Account. This bill will allow a specific amount of the gas tax funds to be allocated for pesticide use enforcement activities, which are monitored by the Department of Pesticide Regulation. This bill will also allow for use of any unencumbered emergency funds. The unencumbered funds would be carried over into the next fiscal year for use in agricultural emergencies or, at the discretion of the Secretary, used for research involving agricultural plant or animal pests or diseases. A disbursement of gas tax funds to the County Agricultural Commissioners (CAC) is also included in this statute revision. These funds would be used, by the CAC to ensure uniform application of state agricultural policy or to administer programs supervised by the Secretary. In addition, funding that has been authorized under Budget Act language has become a part of the code Section. This includes funding for CDFA supervised pest detection and trapping and county/state liaison activities.

AB 1717, (Assembly Agriculture Committee, Pesticides)

Governor's Action: SIGNED

Chapter #338

Bill Summary: This administration-sponsored bill will increase the statute of limitations from two years to four years for prosecution and collection of civil penalties for violations of misbranded or adulterated pesticides. This bill will also require structural pest control operators using fumigants to pay an increased yearly registration fee to County Agricultural Commissioners in the counties they

operate in as well as file a Notice of Intent prior to beginning a structural fumigation.

AB 1736, (Assembly Governmental Organization Committee, Horse Facing: Imported Races)

Governor's Action: SIGNED

Chapter # 444

Bill Summary: AB 1736 adds Travers Stakes to the list of events not included in the limitation on imported races. This bill also extends the provision of existing law that requires any racing association or fair that conducts thoroughbred racing to pay to the owner's organizations a certain portion of the purses for a national marketing program.

SB 8, (Kuehl, California Bay-Delta Authority Act)

Governor's Action: VETOED

Bill Summary: SB 8 will amend the Bay-Delta Authority Act that establishes the Bay-Delta Authority and require the authority, and other implementing agencies, to carry out programs and activities necessary to implement the Bay-Delta Program and requires the authority to develop policies and make decisions at program milestones, and provides the responsibility for implementing one or more program elements. This bill includes environmental justice as one of those elements. This bill will also require the implementing agencies to implement the environmental justice program.

SB 63, (Migden, Food Labeling: Clones Animals)

Governor's Action: VETOED

Bill Summary: SB 63 will require every livestock producer who sells or transfers any cloned animal or its progeny to disclose to the buyer or transferee that the animal is cloned or is the progeny of a cloned animal. This bill will also require food for human consumption containing any product from a cloned animal or its progeny, to label the food to indicate that the food contains the product of a cloned animal or its progeny.

SB 34, (Torlakson, Sacramento-San Joaquin Delta: Strategic Planning)

Governor's Action: VETOED

Bill Summary: SB 34 is to clarify that a specified strategic financing plan shall include recommendations, in accordance with the "beneficiaries pay" principle, in order to create a dedicated revenue stream to pay for the maintenance of, and improvements to, delta levees, project levees, and the levee conveyance system.

SB 70, (Florez, Biodiesel)

Governor's Action: VETOED

Bill Summary: SB 70 will specify biodiesel and renewable diesel blend standards enforced by the California Department of Food and Agriculture (Department). Biodiesel blends which fail to meet standards can be granted a developmental engine fuel variance without application to the Department. The bill will require that the specified biodiesel blends be labeled with the volume percentage of biodiesel. The bill will allow the labeling of renewable diesel fuel

blends greater than to equal to 20 volume percent as “Renewable Diesel Blend 20”. The bill will allow school buses to use biodiesel blends greater than 20 volume percent if specific conditions are found to exist.

SB 114, (Florez, Disaster Relief)

Governor’s Action: SIGNED

Chapter # 223

Bill Summary: SB 114 will provide relief to the agricultural community in the form of income tax, corporation tax, homeowners’ exemption of property tax, and state reimbursement of local property tax losses as a result of the January 11-17, 2007 severe freezing conditions for several counties. A total of \$1,399,254,964 (\$1.39 billion) in freeze damage has been report to CDFA. The following 18 counties were effected and the Governor declared a state of emergency: El Dorado, Fresno, Imperial, Kern, Kings, Madera, Merced, Monterrey, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tulare, Ventura, and Yuba.

SB 116, (Maldonado, Unemployment Compensations Benefits)

Governor’s Action: SIGNED

Chapter # 289

Bill Summary: SB 116 will increase the allowable maximum earnings from \$25 to \$200 that a recipient of Unemployment Insurance may keep before benefits are reduced due to earnings, for individuals unemployed because of the January 2007 severe freeze and who lived in a county declared by the Governor to be in a state of emergency. A total of \$1,399,254,964 in freeze damage has been report to CDFA. The following 18 counties have been effected and the Governor declared a state of emergency: El Dorado, Fresno, Imperial, Kern, Kings, Madera, Merced, Monterrey, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tulare, Ventura, and Yuba.

SB 178, (Steinberg, Groundwater)

Governor’s Action: VETOED

Bill Summary: would provide for the collection of groundwater level information to be maintained by the Department of Water Resources (DWR) and made available to the public. DWR will use this information to identify basins which are being subject overdraft and will report this information to the Governor and the Legislature on a regular basis.

SB 180, (Migden, Labor Representatives: Elections)

Governor’s Action: VETOED

Bill Summary: SB 180 permits agricultural employees, as an alternative procedure, to select their labor representatives by submitting a petition to the Labor Board accompanied by representation cards signed by a majority of the bargaining unit. This bill also requires the board to conduct an immediate investigation to determine whether to certify the organization as the exclusive representative. This bill will also extend the existing prohibitions and penalties to employers who engage in unfair labor practices with regard to a majority sign up election.

SB 353, (Kuehl, Companion Animals: Protective Order.)

Governor's Action: SIGNED

Chapter # 205

Bill Summary: SB 353 allows a court, upon a showing of good cause, to include a grant of care, possession, or control over an animal in a domestic violence protective order. This bill will also allow the court to order the respondent to stay away from the animal, and forbid the respondent from abusing or otherwise disposing of the animal.

SB 379, (Denham, Horse Racing: Out-of-Country Races)

Governor's Action: SIGNED

Chapter # 443

Bill Summary: SB 379 will add the Dubai World Cup to the list of imported races that are not subject to the law that limits the number of total number of thoroughbred races imported by associations or fairs to 23 per day on days when live thoroughbred or fair racing is being conducted in the state.

SB 451, (Kehoe, Energy: Renewable Electric Generation Facilities)

Governor's Action: VETOED

Bill Summary: SB 451 requires every electrical corporation to make the tariff available to any customer of the corporation on a first-come-first-served basis until the corporation meets its proportionate share of a combined statewide cumulative rated generating capacity of electrical generating facilities of 1,000 megawatts. This bill will provide the electricity generated by a facility counts toward the corporation's renewables portfolio. This bill will also allow a customer to receive service pursuant to an alternative net metering program.

SB 470, (Ashburn, Agriculture: Dead Animals)

Governor's Action: VETOED

Bill Summary: **SB 470** will require the Integrated Waste Management Board to establish a working group to draft recommendations for regulations that would specify what alternative methods of disposing of livestock carcasses could be used when the number of carcasses exceeds the capacity of local landfills and rendering facilities. The recommendations of the working group must be completed by July 1, 2009. The Department of Food and Agriculture is included in the list of those represented on the working group.

SB 555, (Machado, Sacramento-San Joaquin Delta)

Governor's Action: VETOED

Bill Summary: SB 555 will amend the Delta Protection Act to give sole authority to the Delta Protection Commission (Commission) to make decisions as to whether appeals of local land use decisions are within the Commission's jurisdiction to hear, and whether appeals raise appeal-able issues. Currently, the Commission may delegate these decisions to its executive director.

SB 556, (Wiggins, Light Brown Apple Moth)

Governor's Action: SIGNED

Chapter # 190

Bill Summary: This urgency bill creates the Light Brown Apple Moth Act of 2007 to create the Light Brown Apple Moth Program and the Light Brown Apple Moth Account. This bill will require the Department of Agriculture and Food to report to the Legislature regarding its expenditures, progress, and ongoing priorities in combating the Light Brown Apple Moth in the state.

SB 650, (Migden & Padilla, Labor Representative Elections)

Governor's Action: VETOED

Bill Summary: SB 650 permits agricultural employees until January 1, 2013, as an alternative procedure, to select their labor representatives by submitting a petition to the Labor Board accompanied by representation cards signed by a majority of the bargaining unit. This bill also requires the board to conduct an immediate investigation to determine whether to certify the organization as the exclusive representative. This bill will also extend the existing prohibitions and penalties to employers who engage in unfair labor practices with regard to a majority sign up election.

SB 669, (Torlakson, Continuous Regional Recreation Corridors: Funding)

Governor's Action: VETOED

Bill Summary: SB 669 relates to existing law that requires the Delta Protection Commission to adopt a plan and implementation program for a continuous regional recreation corridor around the delta. This bill requires the plan to promote water conservation, encourage greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban and community centers, consistent with a delta resource management plan adopted by the commission

SB 770, (Cogdill, Milk)

Governor's Action: SIGNED

Chapter # 351

Bill Summary: This bill, for the purpose of enforcing the sales below cost prohibition, will change the definition of "total consideration paid or exchanged for raw product" in the case of market milk or market cream used in the manufacture of Class 1, 2, or 3 dairy products, to mean the California Department of Food and Agriculture's (CDFA) current announced regulated minimum price of the market milk or market cream, payable by handlers to producers.

SB 783, (Torklason, Amusement Rides Safety Law)

Governor's Action: SIGNED

Chapter # 478

Bill Summary: SB 783 requires a report for incidents where the maintenance, operation or use of an amusement ride results in a loss of consciousness that requires medical service other than ordinary first aid treatment, the major mechanical failure, or a person falling from a moving ride or falling from a ride that temporarily stopped. This bill will grant inspection and regulatory authority

under the Permanent Amusement Ride Safety Inspection Program including civil penalties. This bill will also require the owner to maintain all necessary records.

SB 970, (Ridley-Thomas, Rental Vehicles)

Governor's Action: SIGNED

Chapter # 667

Bill Summary: SB 970 will provide that a fuel gauge installed in a motor vehicle by the motor vehicle manufacturer may be used in a rental transaction to calculate an optional charge for fueling a rental vehicle.

SB 1051, (Senate National Resources and Water Committee, Conservation)

Governor's Action: SIGNED

Chapter # 254

Bill Summary: SB 1051 will require the California Geological Survey to carry out programs that would protect the environment by mitigating geologic hazards. This bill will authorize the State Geologist to enter into agreements that may provide funding for activities of the survey and for the activities of the Department of Conservation that are related to the survey. This bill will also address the confidentiality of well records and the Farmland Conservancy Program Act.